

**AMENDMENTS TO THE DRAWINGS**

Figures A1 and B1 have been amended as required. Furthermore, A3 has been amended as well. Corrected drawings in compliance with 37 CFR 1.121(d) have been attached.

**REMARKS**

The Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Claims 1-20 were previously pending in this application. Within the Office Action, Claims 1-20 have been rejected. By the above amendments, Claims 1, 14 and 15 have been amended, Claims 13 and 20 have been canceled and Claims 21 and 22 have been added. Accordingly, Claims 1-12, 14-19, 21 and 22 are currently pending.

**Objections to the Drawings**

Within the Office Action, the drawings have been objected to because “the second opening 31 must be shown” and because “a valve 2 is not shown in fig B1 as stated in the specification.” [Office Action, Page 2] The cause of these objections are due to typographical errors. Figure A1 has been amended to clearly show the second opening 31. Figure B1 has been amended to clearly show the valve 2. Furthermore, Figure A3 also had the same typographical error as Figure B1, which is now corrected. By the above amendments, the drawings are now in compliance.

**Rejections Under 35 U.S.C. § 102**

Within the Office Action, Claims 1-5 and 7-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,277,052 to Howard (“hereinafter Howard”). Applicants respectfully submit that after the above amendments, this rejection should be withdrawn.

Howard teaches a device for passively exercising a part of a person's body by applying vacuum suction to that part of the body for a period of time, then releasing the suction and repeating this for a period of time. Howard teaches the purpose of the invention is to help a person lose fat and heal portions of their body without medical treatment, surgery or other more complex remedies. [col. 7, lines 7-10] Howard also only teaches a reservoir for storing a gas. [Figure 3] However, Howard does not teach storing a liquid in a reservoir for flowing into the shield. It is also recognized within the Office Action that “Howard lacks a shield that comprises a vibrating mechanism.” [Office Action, page 6].

By the above amendments, the limitations of Claim 13 have been incorporated within Claim 1, and the limitations of Claim 20 have been incorporated within Claim 14. Specifically, the limitations of Claims 13 and 20 include a vibrating mechanism. As described above and

recognized within the Office Action, Howard does not teach a vibrating mechanism. Therefore, since Howard does not teach every component of the invention, the rejection should be withdrawn. For at least these reasons, the independent Claims 1 and 14 are allowable over the teachings of Howard.

Claims 2-5 and 7-12 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings Howard. Accordingly, Claims 2-5 and 7-12 are all also allowable as being dependent upon an allowable base claim.

Claims 15-19 are dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Howard. Accordingly, Claims 15-19 are all also allowable as being dependent upon an allowable base claim.

### **Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claim 6 has been rejected under 35 U.S.C. § 103 as being unpatentable over Howard. Applicants respectfully disagree.

Claim 6 is dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Howard. Accordingly, Claim 6 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 13 and 20 have been rejected under 35 U.S.C. § 103 as being unpatentable over Howard in view of U.S. Patent No. 5,902,293 to Liu ("hereinafter Liu"). As described above, the limitations of Claims 13 and 20 have been incorporated within Claims 1 and 14 respectfully and Claims 13 and 20 have been canceled. Applicants respectfully disagree with this rejection based on Howard in view of Liu.

Howard teaches a device for exercising a part of a person's body by applying vacuum suction to that part of the body for a period of time, then releasing the suction and repeating this for a period of time. Howard teaches the purpose of the invention is to help a person lose fat and heal portions of their body without medical treatment, surgery or other more complex remedies. [col. 7, lines 7-10] Howard also only teaches a reservoir for storing a gas. [Figure 3] However, Howard does not teach storing a liquid in a reservoir for flowing into the shield. It is also recognized within the Office Action that "Howard lacks a shield that comprises a vibrating mechanism." [Office Action, page 6].

Liu teaches a can sucker mechanism that includes a can body, a connecting hose and a sucking pump. The can body is fitted with a connecting tube, and in the connecting tube is a

check valve. The connecting hose is connected to the connecting tube on the can body, and the sucking pump is connected to the other end of the connecting hose. The sucking pump is used to withdraw air from inside the can body, to produce a negative-pressure status. The can body also is fitted with a vibrator to produce a vibrating and massaging function on the can body, to enhance the curative effects of traditional Chinese can sucking therapy. [Liu, Abstract]

Within the Office Action, it is stated that it would have been obvious to one having ordinary skill in the art to provide the suction device of Howard with a vibrator as taught by Liu in order to enhance the effects of the suction therapy. The applicants respectfully disagree with this conclusion.

This is a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that “it is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” In Re Fritch, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, Howard teaches a device for exercising portions of a person’s body. Liu teaches a vibrating mechanism to produce a vibrating function.

As discussed above, one of ordinary skill in the art would have no motivation to combine the exercising device of Howard with the vibrating component of Liu.

It is simply not permissible to conclude that this is an obvious combination without a hint, teaching or suggestion to warrant the combination, based on the directive from the Court of Appeals for the Federal Circuit.

As discussed above, it is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Howard and Liu has not been met within the Office Action.

There is no motivation to combine the teachings of Howard with Liu. As discussed above, Howard teaches an exercising device where the device applies a vacuum pressure to a part

of the body, maintains the pressure for a period of time, releases the pressure and then repeats the process. Liu teaches a vibrating mechanism to provide a vibrating function. A person skilled in the art would have no motivation to combine the teachings of Howard with the teachings of Liu without the benefit of impermissible hindsight. Accordingly, the rejection of the present claims based on the combination of Howard and Liu, is not proper and should be withdrawn.

In contrast to the teachings of Howard and Liu, the present invention teaches a method for sucking a body through a sucking device in which the sucking device includes a vacuum generator, a reservoir, a shield with at least one opening, a first tube and a second tube. The first tube communicates the shield with the vacuum generator and the second tube communicates the shield with the reservoir. Furthermore, the present invention utilizes a vibrating mechanism to provide added effects.

The independent Claim 1 with the limitations of Claim 13 is directed to a device for sucking a body. The device of Claim 1 comprises a vacuum generator for providing a negative pressure, a reservoir for providing a filling medium stored therein, a shield for covering an area of said body, a first tube communicating said shield with said vacuum generator, a second tube communicating said shield with said reservoir and a vibrating mechanism disposed on said shield. As described above, the combination of Howard and Liu is improper. For at least these reasons, the independent Claim 1 is allowable over Howard, Liu and their combination.

Claims 2-12 and 21 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings Howard. Accordingly, Claims 2-12 and 21 are all also allowable as being dependent upon an allowable base claim.


The independent Claim 14 is directed to a method for sucking a body through a sucking device, wherein said sucking device comprises a vacuum generator, a reservoir, a shield having at least one opening, a first tube and a second tube, said first tube communicates said shield with said vacuum generator and said second tube communicates said shield with said reservoir. The method comprises covering said shield on an area of said body, generating a negative pressure in said shield by said vacuum generator so as to gradually bulge said body area, filling a filling medium into said shield from said reservoir for decreasing said negative pressure so as to restore said body area and vibrating said shield by a vibrating mechanism connected thereon. As described above, the combination of Howard and Liu is improper. For at least these reasons, the independent Claim 14 is allowable over Howard, Liu and their combination.

Claims 15-19 and 22 are dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Howard. Accordingly, Claims 15-19 and 22 are all also allowable as being dependent upon an allowable base claim.

For the reasons given above, Applicants respectfully submit that all of the pending claims, Claims 1-12, 14-19, 21 and 22 are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, she is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: May 19, 2006

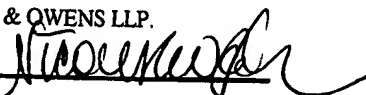
By:   
Jonathan O. Owens  
Reg. No.: 37,902

Attorneys for Applicants

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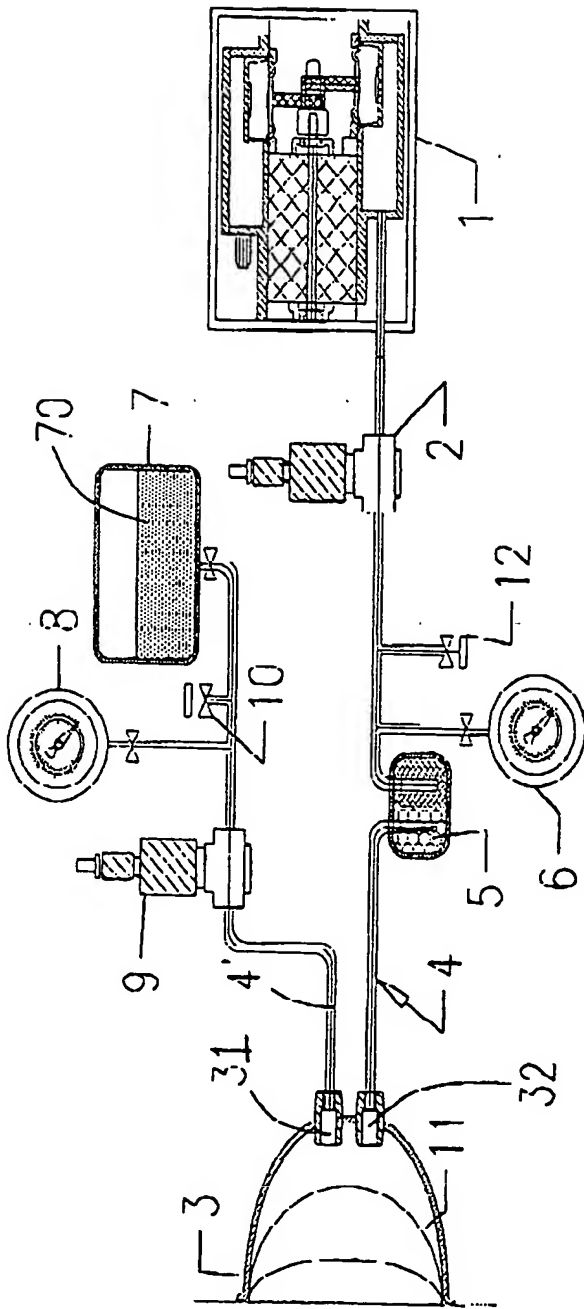


Fig. A1

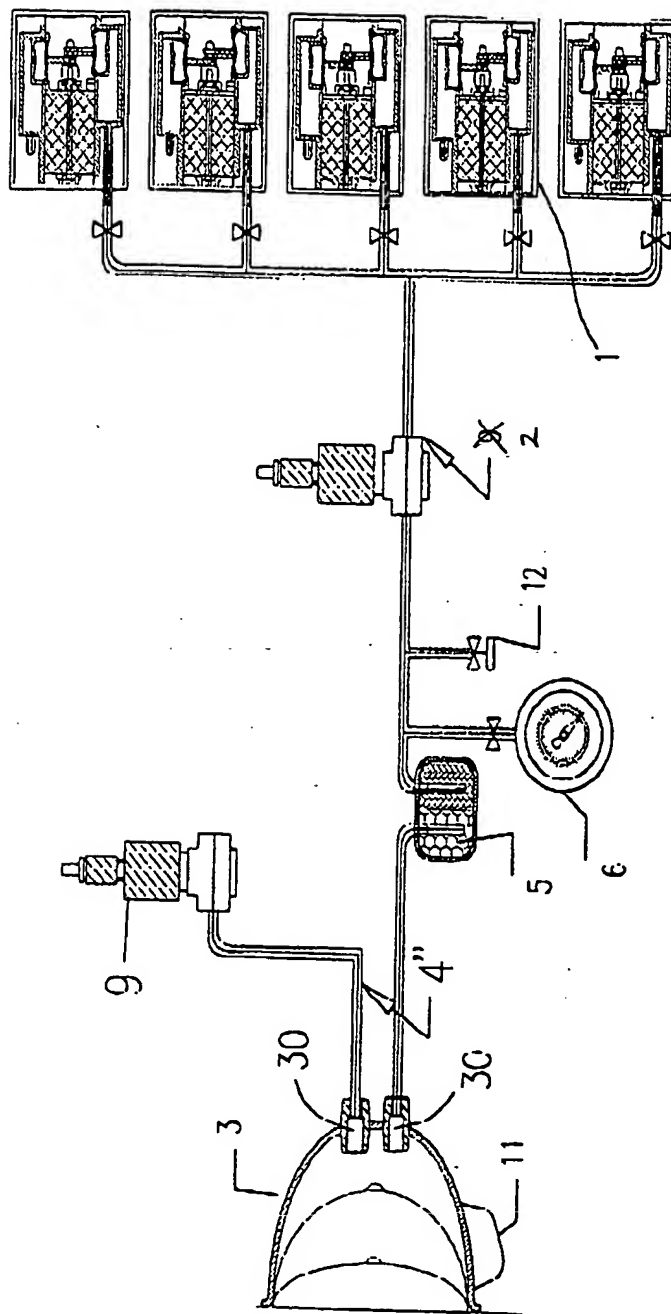


Fig. A3



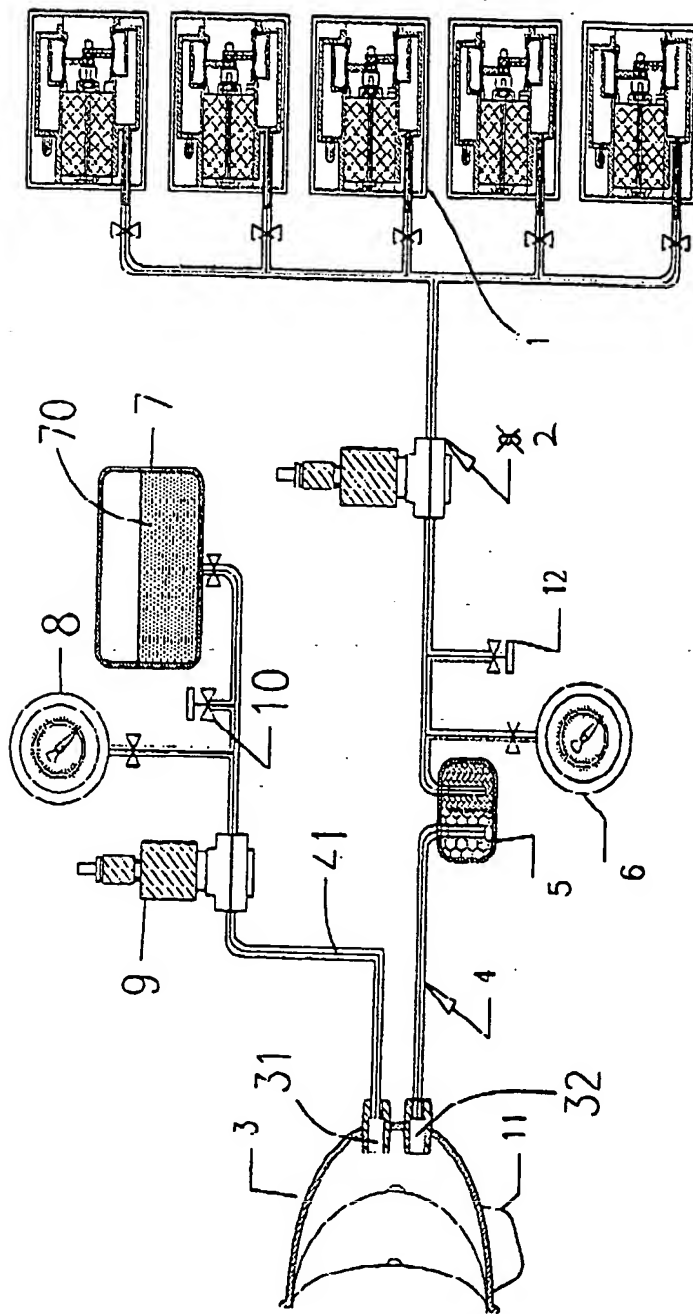


Fig. B1